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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,915	02/27/2004	Dirk Erickson	16356.849 (DC-03102A)	8898
27683	7590	12/07/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			PARK, ILWOO	
			ART UNIT	PAPER NUMBER

2182

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,915	ERICKSON ET AL.	
	Examiner	Art Unit	
	Ilwoo Park	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 and 11 are amended in response to the last office action. Claims 1-8 and 11-18 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 11, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Leyda, US patent No. 5,867,730.

As to claim 1, Leyda teaches a system for accessing a computer-readable medium device, comprising:

a computing device initiating [col. 6, lines 23-30] execution of a drive management software;

a drive initially accessed [col. 6, lines 29-34] by the computing device whereby the computing device outputs [col. 6, lines 29-34] a request to the drive;

in response to the drive satisfying the request, means for receiving [col. 6, lines 44-54] drive information, the information describing features [col. 6, line 53-col. 7, line 25] of the drive; and

in response to receiving the information, means for configuring [col. 1, lines 58-61; col. 9, lines 42-62] the drive according to the features of the drive, whereby the computing device supports the drive according to the features.

4. As to claim 2, Leyda teaches the information describes features of the drive [table 2 in columns 5-8].

5. As to claims 3 and 13, Leyda teaches the computer-readable medium is a compact disc [col. 6, lines 29-34].

6. As to claims 5 and 15, Leyda teaches the computer-readable medium is a compact disc read only memory medium [col. 6, lines 29-34].

7. As to claim 11, Leyda teaches a method for accessing a computer-readable medium device, comprising:

providing a computing device for initiating [col. 6, lines 23-30] execution of a drive management software;

coupling a drive for accessing [col. 6, lines 29-34] the computing device whereby the computing device outputs [col. 6, lines 29-34] a request to the drive;

receiving [col. 6, lines 44-54] drive information in response to the drive satisfying the request, the information describing features [col. 6, line 53-col. 7, line 25] of the drive; and

in response to receiving the information, configuring [col. 1, lines 58-61; col. 9, lines 42-62] the drive according to the features of the drive, whereby the computing device supports the drive according to the features.

8. Claims 1, 2, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ray et al., US patent No. 6,832,273.

As to claim 1, Ray et al teach a system for accessing a computer-readable medium device, comprising:

a computing device [computer 102] initiating execution of a drive management software [operating system in col. 4, lines 47-49];

a drive [col. 5, line 66-col. 6, line 6] initially accessed by the computing device whereby the computing device outputs [col. 6, lines 38-43] a request to the drive;

in response to the drive satisfying the request, means for receiving [col. 6, lines 44-45] drive information, the information describing features [col. 6, lines 46-50] of the drive; and

in response to receiving the information, means for configuring [col. 11, lines 11-18] the drive according to the features of the drive, whereby the computing device supports the drive according to the features.

9. As to claim 2, Ray et al teach the information describes features of the drive [col. 6, lines 46-50].

10. As to claim 11, Ray et al teach a method for accessing a computer-readable medium device, comprising:

providing a computing device [computer 102] for initiating execution of a drive management software [operating system in col. 4, lines 47-49];

coupling a drive [col. 5, line 66-col. 6, line 6] for accessing the computing device whereby the computing device outputs [col. 6, lines 38-43] a request to the drive;

receiving [col. 6, lines 44-45] drive information in response to the drive satisfying the request, the information describing features [col. 6, lines 46-50] of the drive; and
in response to receiving the information, configuring [col. 11, lines 11-18] the drive according to the features of the drive, whereby the computing device supports the drive according to the features.

11. As to claim 12, Ray et al teach the method further comprises:

querying [col. 7, lines 8-12] the drive by for a feature code;
retrieving [col. 2, lines 45-50] the first driver [generic (default) device driver] in response to the drive returning the feature code;
querying the drive for a performance feature [fig. 4]; and
configuring [col. 11, lines 11-18] the first driver using the performance feature to create a second driver.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3-8 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al., US patent No. 6,832,273 in view of Kondo et al., US patent No. 6,608,644.

As to claims 3-8 and 13-18, Ray et al teaches the drive is a USB device;
however, Ray et al do not expressly disclose the computer-readable medium

comprising a compact disc, a compact disc read-write medium, a compact disc read only memory medium, a digital video disc medium, a digital video disc read-write medium, or a digital video disc read only medium. Kondo et al teach a computer-readable medium of a USB drive having a compact disc, a compact disc read-write medium, a compact disc read only memory medium, a digital video disc medium, a digital video disc read-write medium, or a digital video disc read only medium.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a compact disc, a compact disc read-write medium, a compact disc read only memory medium, a digital video disc medium, a digital video disc read-write medium, or a digital video disc read only medium for the computer-readable medium of Ray et al in order to increase applicability of the computing device.

Response to Arguments

14. Applicant's arguments filed 9/26/2005 have been fully considered but they are not persuasive [see above].

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (571) 272-4155. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ILWOO PARK
PRIMARY EXAMINER

Ilwoo Park

November 30, 2005